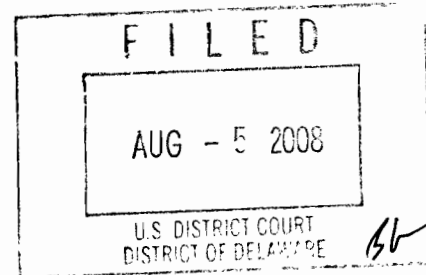


UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
No. 07 - 3999

Mr. Dennis L. Smith
 APPELLANT

Vs.

Patricia A. Meyers; Mack L. Davis, Jr.;
 Steven S. Krebs; Barbara Krebs
 APPELLEE(S)



In this High Honorable – Court
Petition / Request For a panel Rehearing En banc; To, Assure Constitutional Fundamental
– Rudimentary Elemental, “UNIFORMITY” in this Federally Owned and Operated
court of Law concerning Circuit Judges: McKee, Rendell and Smith’s “OPINION” and “
JUDGMENT” dated July 21, 2008;

Pursuant and Hereunder Federal Appellate Rule; 35(b)(a)., This is a case of **Exceptional Importance**, as a matter of law. The Panel consisting of The Honorable; Circuit Judges: McKee, Rendell and Smith’s “OPINION” and “JUDGMENT”, totally conflict(s) the indelible legal enforcement (via) virtue of Honorable United States Law; **42 U.S.C.A. § 1981(b)**. The suspect / Honorable Panel has unquestionably **errored** in this matter. The only way this shall not be legally **Reheard**, is for this court to virtually, boisterously admit that I a “**Black –Man**”, mean virtually, truthfully **NOTHING**, dating back to and before the Honorable **Emancipation – Proclamation**, / “**Reconstruction**” – period, and I certainly hope that this High, Federally Owned and operated court of law; does not **STOOP**, that low, because Rational basis test., is Above, and **SUPERCEDE(S)**, the inferior de facto Judge Joseph J. Farnan Jr., of the defunct Court below. Our previous, as written United States Code Annotated **42 U.S.C.A. § 1981(b)**., cannot be intentionally – arbitrarily – capriciously **CONTINUALLY DENIED**, the lawful (via), virtue **Federal Enforcement** of gravamen; **mutual July 12, 2006 Agreement**. That if finally ethically **RULED** on (via) Evidence Per se, I will unequivocally – victorious, solely and only due

to my heretofore **PRIMA FACIE CASE** Justice, will finally be done, and my inalienable **13th and 14th Amendment** privilege(s) will be **Federally – ENFORCED**.

Now here come(s) Mr. Dennis L. Smith / Pro se, Petitioner , who feels unequivocally, that this is a indubitable an unprecedented, case of Luminous / Manifest **EXCEPTIONAL – IMPORTANCE** ? as a matter of law, and the Notorious de facto wrongful, totally unlawful – unconstitutional Arbitrary and Capricious, defunct, de facto, plain errored gravamen judgment, of peer(s) of this High – Court that in the interest of justice, has to be **immediately REVERSED**.

Due to all of the following;

Legal Notice: Based on Federal Code **28 U.S.C.A. § 535**, I am requesting a **Criminal Investigation** of the United States Attorney's Office concerning Civil case No. 07 – 3999 and the illegal interference from civil case No. 07 – 525 –JJF concerning my mutual **July 12, 2006** agreement. The mutual October 27, 2003 Power of Attorney **IS PART OF** / “ **CONDITION** ” of my mutual July 12, 2006 agreement concerning Ms. Meyers **2.5 acres parcel B**, to complete my agreed **Obligations** as written, to the point of placing and I quote, “ **agreed to place a type of house or a type of house trailer on Ms. Patricia A. Meyers' 2.5 acres pacel... .**” Therefore, I, (Mr. Dennis L. Smith) can not legally complete my agreed Obligations with Ms. Patricia A. Meyers without the **CONTROLLING** “ **PART** ”, which is the mutual October 27, 2003 Power of Attorney **REMAINING PART OF** our mutual July 12, 2006 agreement **as agreed. Ms. Patricia A. Meyers' August 8, 2007 letter is designed to illegally Superficially – purport to Revoke the – KEY -- “PART” / one “ CONDITION ” of our mutual July 12, 2006 agreement, which is our mutual October 27, 2003 Power of Attorney. This is the REASON that this illegal August 8, 2007 letter**

BREACHES our mutual July 12, 2006 agreement. Furthermore, Ms. Patricia A. Meyers superficially – purported to have sold her 2.5 acres parcel to Mr. Steven S. Krebs on **August 16, 2007**, without my **authority** and therefore, I can not complete my Agreed Obligations. I found out about this illegal sell **only after** I filed my Motion / Affidavit dated **August 30, 2007**. Federalized Code **42 U.S.C.A. § 1981(b)**., is very clear in **details**. Therefore, I have the right(s) under the constitution to **enjoyment** these “**details**” the same as a white man with a legal mutual agreement, see **Federalized Code 42 U.S.C.A. § 1981(a)**. **Copy of this Criminal Investigation will be sent to this Court.** My mutual **July 12, 2006** agreement must be enforce as a matter of law, **42 U.S.C.A. § 1981(b)**. Please, **do not** allow this paragraph to be an **OVERSIGHT** as to the understanding below.

DOES RACISM STILL EXIST IN THIS HIGH COURT ?

Also, based on Federalize Code **42 U.S.C.A. § 1981(b)**., Ms. Patricia A. Meyers, **white female** **FIRST** made this mutual **July 12, 2006** agreement with me (Mr. Dennis L. Smith) **black male** concerning my **Agreed Obligations** which also involves her **2.5 acres parcel B**. Some still incumbent **Obligations as follows below and I quote:**

1. “... Ms. Patricia A. Meyers involving her 2.5 acres +/- parcel B, which Mr. Dennis L. Smith has the October 27, 2003, power of attorney.” – (*AFFIRMATIVE / FACT*).
2. “ Mr. Dennis L. Smith and Ms. Patricia A. Meyers **AGREED** that Mr. Dennis L. Smith will continue with civil case 1120 – S,... .” (Means continue to help)
3. “... agreed to place a type of house or a type of house trailer on Ms. Patricia A. Meyers’ 2.5 acres parcel **AS MENTIONED ABOVE**, some time after this property is completely cleared.” Please compare mentioned above quotes to our mutual “July 12, 2006” agreement, see civil case docket No. 07 – 525 –JJF (**D.I. 1 and 2 and its Exhibit HH**)

{a}. Mr. Dennis L. Smith, who is a **Black Male** with a **LEGAL** mutual **July 12, 2006** agreement, to **COMPLETE** his agreed Obligations which is based on **42 U.S.C.A. § 1981(b)**., as “white citizens” / **42 U.S.C.A. § 1981(a)**..

VS.

Patricia A. Meyers **white female** Former, - **Adversary / Enemy**; Mr. Steven S. Krebs **white male**, who filed this civil lawsuit No. “**1120 – S**”, against Ms. Meyers in the Sussex’s Court of Chancery around or about **February of 2005**, involving her **2.5 acres parcel B. SECOND** in sequence, Ms. Patricia A. Meyers, **WITHOUT** our **mutual July 12, 2006 agreement**, Obligations to be **COMPLETED**, without my **knowledge** and **authority**, concerning her **2.5 acres parcel B, deceitfully and illegally**, superficially – purported to have done the following **with Mr. Steven S. Krebs**:

{b}. Mr. Steven S. Krebs, who is a **White Male**, with a **ILLEGAL** superficially – purported “**Settlement Agreement and General Release of Claims**” document dated **August 16, 2007**, and the **2.5 acres parcel B, property Deed**, which is also dated **August 16, 2007**, both of these document are no more than two signed illegal **BREACHES** by Ms. Patricia A. Meyers after she **ILLEGALLY** superficially – purported to revoke our mutual October 27, 2003 Power of Attorney on **August 8, 2007**. In **fact** their illicit totally **colluded so – called, agreement(s) are not even worth the PAPER**, that they are written on; such, as a matter of “**EQUAL – PROTECTION**”, under the Law. **Yes, I am a black male and Pro se**, but not ignorance to this deceit.

Question, will this High Court under the U.S. constitution, and as a matter of law, **enforce 42 U.S.C.A. § 1981(b)**., concerning “{a}.” above, **OR** illegally allow “{b}.” above to **continue** with illegal and **UNCONSTITUTIONAL** document(s) against Mr. Dennis L. Smith’s

constitutional right(s) ? “ **18 U.S.C.A § 241., Conspiracy against rights.**”

Criminal Violation, because the proof is in Mr. Steven S. Krebs’ **ILLEGAL** superficially – purported “ **Settlement Agreement and General Release of Claims** ” document / **EVIDENCE**, which affirms that both, Mr. Steven S. Krebs **and** Ms. Patricia A. Meyers, **READ** and **SIGNED**, therefore they had **knowledge** that they were taking part in a **Prohibited wrongful CONSPIRACY AGAINST MY RIGHTS** / Federal Code **18 U.S.C.A. § 241., Conspiracy against rights. Ms. Patricia A. Meyers**, clearly does not care about my inalirnable constitutional Right(s) any more, but after the attempted starter of the U.S. Supreme Court, concerning the past civil case No. 1120 – S, Ms. Patricia A. Meyers -- vs.-- Mr. Steven S. Krebs, therefore Ms. Meyers herself stopped this civil case and continue to **help all white evildoers / wrongdoers involved**, as recorded **records will show**.

Also, **Mr. Steven S. Krebs**, does not care about other’s (citizen(s)) Constitutional Right(s), based on his **NON - creditability**, do to the affirmed fact that he was **Convicted as a Sex – Offender** in the **State of Maryland**, see “ The Dispatch/Maryland Coast Dispatch ” dated December 30, 2005, page 21A, which states “ Four Months For **Sex Offender**.” Also states and I quote, “A Selbyville, Del. Man accused of sexually assaulting his friend’s girlfriend in an Ocean City hotel room this summer pleaded guilty earlier this month to a fourth degree sex offense and Was sentenced to a year in jail with all but four months suspended.” **Public Records** – District Court of Maryland’s Statement of Probable Cause, page 2 of 2, which states, and I quote, “... Krebs stated that he was kissing on the inside of Oder’s thigh. Krebs stated that he then proceeded to kiss her “ vaginal area” for approximately 20 seconds. When I asked Krebs what he meant by “ vaginal area ” , he replied “ the lips ”.

NON – CREDITABILITY ISSUE - A Copy of the Dispatch/Maryland Coast Dispatch ” dated

December 30, 2005, page 21A, and a Copy of Court of Maryland's Statement of Probable Cause Page 2 of 2 is **for Criminal Investigation** concerning CREDITABILITY ISSUE only, attached as ----- **Exhibit AAA**

U.S. District Court civil case No. 07-525 -JJF, see - (D.I. 6 and its Exhibits C and D)
or attached as ----- **Exhibit ---**(D.I. 6 and its Exhibits C and D)

----- Please Take Legal Notice -----

Civil case No. 07 – 3999, - the Court of Appeals' **December 20, 2007**, letter states and I quote, “ **Upon further review**, it appears that it would not be appropriate, to submit this **appeal**, to the Court for possible jurisdictional dismissal **as you were originally advised** by our letter of **October 18, 2007**. **Rather**, it appears that your **appeal** may be appropriate for possible **summary action**.” **THIS DECEMBER 20, 2007 LETTER IS ALSO INDICATED ON THE DOCKET**, and written by **STAFF ATTORNEY – LAURA L. GREENE**

Vs.

Now, Civil case No. 07 – 3999, - “ *** AMENDED” Circuit Judges: **Mckee, Rendell and Smith's** “ **OPINION** ”, which states thereon, “ Submitted for Possible Dismissal Due to a Jurisdictional Defect or Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P.10.6 January 25, 2008. **THIS JANUARY 25, 2008 – IS NOT INDICATED ON THE DOCKET, why ? This OPINION was filed on July 21, 2008**, therefore after this paragraph below, see my response to this opinion as indicated below:

Deceitful twisting the **facts / truth / DETAILS** into a **LIE**, which are found in my “ **Notice of**

amicable Request for instantaneous Injunctive Relief Notice of Motion

Ex parte EMERGENCY Temporary Restraining Order ” / AFFIDAVIT

dated August 30, 2007. This Motion / Affidavit dated August 30, 2007, will PROVE all

DETAILS / TRUTH as written, that I, (Mr. Dennis L. Smith) affirmed the details / truth as

indicated in my response to the Court of Appeals below. Therefore, **COMPARE** the **United**

States District Court Judge Joseph J. Farnan Jr's **Final Order** dated **September 11, 2007**

deceitful ruling to this Motion / Affidavit and my responses below. Also, **COMPARE** Circuit

Judges **Mckee, Rendell and Smith's deceitful totally baseless buddy – system only**

based “ **OPINION** ” and “ **JUDGMENT** ” which was filed on July 21, 2008, to this Motion /

Affidavit and my responses below:

See the **first three (3) pages** of this “ **Motion / Affidavit** ” dated **August 30, 2007** and the rest of it, for facts of truth ----- U.S. District Court civil case No. 07 – 525 – JJF
 (**D. I. 1 and 2**) **or** attached as ----- **Exhibit - (D.I. 1 and 2)**

RESPONSE to this “ **OPINION** ” as mentioned above,
 - **START HERE**, below:

Concerning civil case No. **07 – 525 – JJF**, the **Reason(s) I Appealed**, I am continuing heretofore to seek **Injunctive Relief** based here – under; **42 U.S.C.A § 1981(b)**., for one issue, therefore I, (Dennis Lee Smith) Pro se, on **October 9, 2007** appealed from Judge Joseph J. Farnan Jr’s **Final Order** dated **September 11, 2007**, which clearly states and I quote, “ **The Court does not have JURISDICTION over his claims**. Notably, Plaintiff’s claims are ones where state law, not federal law, predominates. Hence, the matters should be **decided by the State Court.**” This Judge is of the United States District Court for the District of Delaware. This appeal is based on the fact(s) that this Judge **Twisted the Truth into a lie, and would not legally** mandatory - federally **enforce 42 U.S.C.A § 1981(b)**., concerning Ms. Patricia A. Meyers and my **totally mutual July 12, 2006 Agreement**, so that I would COMPLETE my agreed OBLIGATIONS **THEREON**, although Judge Farnan Jr., had clear knowledge of Ms. Meyers’ illegal and illegally recorded **letter dated August 8, 2007**, which **illegally** superficially – purported, to **virtuously revoke** my October 27, 2003 Power of Attorney. Also keeping in mind, that yes I did in fact, at length(s) try to set up a meeting, with incumbent official(s) of the apparent notorious **Recorder of Deeds of Sussex County Delaware**, at the County seat Georgetown Delaware. Please let us, vehemently keep in mind, too that the town of Georgetown, is solely and only a **political “ sub – division ”**, of the State of Delaware, and thereby **not immune** to the ultimate pattern of fact(s), of vicarious liabilities, see; **42 U.S.C.A § 1983 § 1985(3)**. Also Judge Farnan Jr., had clear knowledge, see {scienter} that Ms. Meyers and

I entered into our mutual July 12, 2006 Agreement regarding **Agreed Obligations to all issues as indicated** and this “ Power of Attorney ” was **one Agreed Obligation with her 2.5 acres parcel B**. This mutual July 12, 2006 Agreement, **is not a “ Sale of Real ” property agreement**, to me (Mr. Smith), as Judge Farnan Jr., wants the readers to falsely believe. Judge Farnan Jr., stated in his Final Order dated **September 11, 2007** and I quote, “ Plaintiff and P. Meyers entered into an Agreement on July 12, 2006 regarding the sale of real property,... .” This quoted from Judge Farnan Jr., **is not TRUE, also this term “ Sale of Real ”** is not written in this July 12, 2006 agreement, see this agreement for proof, as a matter of Equal Justice under the Law. **Twisting the Truth into a lie, to illegally help only APPELLEE(S)**, which is unconstitutional and illegal. To date, I am not able to place a type of house on Ms. Meyers 2.5 acres parcel B, for her, to complete our **Agreed Obligations** as written, because Mr. Steven S. Krebs is on this property illegally, and I never approved this illegal act.

U.S. District Court civil case No. 07-525 –JJF, for Exhibits, see the following:

Mutual **July 12, 2006 Agreement** - (D.I. 1 and 2 and its Exhibit **HH**)

or attached as ----- **Exhibit** (D.I. 1 and 2 and its Exhibit **HH**)

Mutual **October 27, 2003 Power of Attorney Agreement** –

(D.I. 1 and 2 and its Exhibit **GG**) or attached as -- **Exhibit** (D.I. 1 and 2 and its Exhibit **GG**)

Ms. Meyers’ **illegal August 8, 2007** letter (D.I. 1 and 2 and its Exhibit **FF**)

which ficticiously **REVOKED** this “ Exhibit GG ”, and

therefore illeglly **BREACHED** this “ Exhibit HH ”, or this letter is

attached as ----- **Exhibit** (D.I. 1 and 2 and its Exhibit **FF**)

I.

I, (Mr. Smith) filed with the District Court, my “ **Notice of amicable Request for**

instantaneous Injunctive Relief Notice of Motion Ex parte EMERGENCY Temporary

Restraining Order.” This Motion / Affidavit was for the Court, based on **Rule 65(b).**,

INJUNCTIONS”, concerning “ Temporary Restraining Order; Notice; Hearing; Duration. A

temporary restraining order may be granted **without written** or **oral notice** to the **adverse**

party... ." Therefore, this Motion / Affidavit arose out of Ms. Patricia A. Meyers' illegal and illegally recorded letter dated August 8, 2007 titled "Revocation of Power of Attorney." This Power of Attorney which is dated October 27, 2003 **IS PART OF** Ms. Patricia A. Meyers and my mutual July 12, 2006 Agreement as **written on the face of this July agreement**, to complete our Agreed Obligations, which includes Ms. Meyers' **.2.5 acres parcel B**, as indicated on the face of this Agreement. Again, this property is **not to be sold** to me (Mr. Smith). Also, Ms. Meyers **ficticiously Revoked** our mutual October 27, 2003 Power of Attorney which **IS PART OF** our mutual July 12, 2006 Agreement **as written**. Therefore, this illegal act of Ms. Meyers', **illegally breached** our mutual July 12, 006 Agreement / **42 U.S.C.A § 1981(b)**. Furthermore, concerning civil case No. **1120 – S, { FORMER ADVERSARY }** Mr. Steven S. Krebs, White Male **SUED** Ms. Patricia A. Meyers, White Female back in approximately February of 2005, **FOR HER 2.5 ACRES PARCEL B**, therefore, during this approximately time, I (Mr. Smith) Black Male had this October 27, 2003 Power of Attorney and worked together with Ms. Meyers as mutually agreed **and as a attorney – in – fact / agent, concerning her 2.5 acres parcel B,**

- vs – Mr. Krebs, Mr. Krebs' Attorney John E. Tarburton and Court of Chancery's Chancellor **William B. Chandler III**, all of whom violated " State Court of Chancery's **eFILING Administrative Procedures Rule 79.1(4)(d) and (6)(a),...**" etc. Therefore, Ms. Patricia A. Meyer moved ("**Notice of Removal**") the Court of Chancery's civil case No. **1120 – S**, to the United State District Court of Delaware, under civil case No. **06 – 455 KAJ**, next Appealed civil case No. **06 – 455 KAJ**, to the United States Court of Appeals for the Third Circuit civil case No. **06 – 4873**, also writ of Prohibition civil case No. **07 – 1182**, next Ms. Patricia A. Meyers, to the **SUPREME COURT OF THE UNITED** with her attorney – in – fact / agent, witness, this Court sent a letter to Ms. Patricia A. Meyers dated **June 11, 2007**, indicating that **correction needs** to be made to her **WRIT OF CERTIORARI** so it may be **docketed**.

Therefore, in summary on approximately **August 6, 2007** Ms. Patricia A. Meyers **on her own**, **contacted** this **SUPREME COURT OF THE UNITED** and **stopped** this **WRIT OF CERTIORARI**, **after** all our work on this case of Mr. Krebs since approximately **February of 2005**, / approximately one (1) year and four (4) months. This act of Ms. Meyers' **AS SHE CLEARLY KNEW**, illegally helped cover – up a conspiracy involving Chancellor, **William B. Chandler III**, of Sussex County Georgetown, Delaware's Court of Chancery and Mr. Steven S. Krebs and his Attorney John E. Tarbuton. **THIS CONSPIRACY FAVORS MR. STEVEN S. KREBS**. As we can clearly see that *Ms. Meyers is in control of this case. I did not act as her Attorney*. I did not “ attempt without success ”, **but was stopped as a witness by Ms. Meyers herself**. Ms. Patricia A. Meyers has **Black Grandkids, Black friend(s)** and also, I (Mr. Smith) **Black Male** was a good friend of the family. Clearly Ms. Meyers chose **Chancellor William B. Chandler III, Mr. Krebs' Attorney John E. Tarburton and Mr. Krebs** in these **violation(s)**, by keeping them out of the Supreme Court of the United States. **Again, Key issue** would **Chancellor William B. Chandler III** violate **Rule 79.1(4)(d) and (6)(a),...**” etc for a Black Male / **42 U.S.C.A § 1981(a)**. ? As far as the racism issues, a **criminal investigation** will prove the truth, based on the truth. --- Should incumbent **United States Solicitor General** acting; **Gregory G. Garre** be Notified ? **Criminal investigation 28 U.S.C.A. § 535., is needed.**

No further response.

II.

Criminal investigation 28 U.S.C.A. § 535., is needed.

These are the fact(s) as to why this court should've applied Justice in this legal matter. Yes here to Follow are the reason(s) as to why I should've been “ GRANTED ”, an extraordinary Remedy of a preliminary injunction; **(1).**Yes I had and still have a unequivocal likelihood of success on the

merit(s), - my Power of Attorney, and the mutual July 12, 2006 agreement are still viable as we speak. My legal – document(s) indubitably , legally super – cede any SUPERFICIAL autoptic , tangible document(s) of the “ RACIST ” APPELLEE(S). **(2).** Yes the fact of the matter is yes, I have now been illegally compelled to be { adversely – entangled } in the SUFFERING IRREPARABLE harm, as a matter of court record from my initial legal “Manifest” CRY for help, as this court did **ABSOLUTELY – NOTHING**, due to mainly my Race. Let us please check the record. Let us update; although I had amicably importuned this court for imminent federal INJUNCTIVE – RELIEF; Update;

- (a). **Ms. Patricia A. Meyers** has fictitiously – virtuously purported to have {**SOLD**}, the gravamen **2.5 acres parcel B**, to **Mr. Steven S. Krebs** who and in fact, is a collusion based witness of Ms. Patricia A. Meyers, and he is totally – involved – culpable as a matter of law, in which is a sole **Unwarranted** “ **BREACH of CONTRACT.**”

(3). The ridiculous Question, of whether the RACIST APPELLEE(S) would be in someway remotely disadvantaged; had the proper Ruling took place in my favor.. I find this notorious question very suspect, however I would answer it legally accordingly in fact; the Appellee(s) **illegally benefited** due to the “ **NON – ENFORCEMENT** ” of clearly established Rational Basis Test, law; see **42 U.S.C.A § 1981(b)**. **(4).** The **PUBLIC(S) INTEREST** has been definitely , definitely **BREACHED**. The **PUBLIC(S) - TRUST** has been **SHATTERED**. Now if I where a white – man, I may not have these vexatious hurdle(s) / and towering – mountain(s) to cross over, **JUST for JUSTICE**. My Inalienable, Equal Protection(s) to the **DUE PROCESS** mandatory, element of our, **Treasured DEMOCRACY** based nucleus of our Honorable U.S. Constitution; have been wrongfully, heinously, fundamentally **DENIED**, (via) this Court(s) purported **PEER(S)**, of **JUSTICE**. Please Rectify to; uphold 28 U.S.C.A. § 453., as a matter of Equal Justice under the Law(s).

III.

Criminal investigation 28 U.S.C.A. § 535., is needed.

Due solely also, due to my **14th Amendment libertie(s)** to elemental – fundamental fairness, to my person has – been erroneously **SHAMMED, DENIED** and wrongfully delayed, due to collusion / **42 U.S.C.A. § 1985(3).**

AGAIN, DOES RACISM STILL EXIST IN THIS HIGH COURT ?

In summary, furthermore, this civil case No. 07 – 3999 involves the illegal interference of the United States District Court Judge Joseph J. Farnan Jr, who interfered without **JURISDICTION** and in violation of **28 U.S.C.A. § 144** and **Deceit** as the records will show. Therefore, nothing was done about this violation of my **DUE PROCESS RIGHT(S)**, etc, by this High Appeals Court regardless of how many times I pointed these fact out, as the records will show. I paid \$455.00 the same as any White Man / **42 U.S.C.A § 1981(a).**, and appealed civil case **No. 07 – 525 – JJF** from the United States District Court on **October 9, 2007**, and received the Court of Appeals civil case **No. 07 – 3999**, but Judge Joseph J. Farnan Jr illegally continue to interfered as the Federal court records will show. Based on a **Criminal Investigation, corruption** can be found starting from this civil case **No. 07 – 525 – JJF** through to Court of Appeals civil case **No. 07 – 3999.**

U.S. District Court civil case No. 07-525 –JJF, for Exhibits, see the following:

October 9, 2007 PAID “ Appeal ” and receipt for \$ 455.000, - (D.I. 5) or
attached as ----- **Exhibit (D.I. 5)**

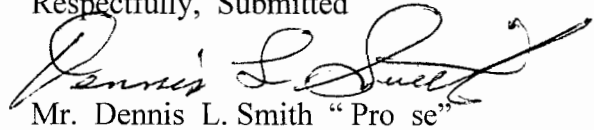
Judge Farnan Jr’s illegal interference “ Show Cause Order ” dated **January 22, 2008 –**
(D.I. 14) **or** attached as ----- **Exhibit (D.I. 14)**

Judge Farnan Jr’s illegal interference **backdated** “ Memorandum Order ” which is
dated **March 5, 2007** - (D.I. 17) **or** attached as ----- **Exhibit (D.I. 17)**

Judge Farnan Jr’s illegal interference “ Memorandum Order ” dated **May 14, 2008 -**
(D.I. 22) **or** attached as ----- **Exhibit (D.I. 22)**

I, Mr. Dennis L. Smith, is not a slave, which is also based on United States Constitution, See; United States constitutional 13th Amendment, therefore, why I am not allowed to have **42 U.S.C.A § 1981(b).**, **enforced** concerning **this mutual July 12, 2006 Agreement** as indicated in this document ? **This mutual July 12, 2006 Agreement**, was **written** heretofore initially in the **United States of AMERICA.**

Respectfully, Submitted



Mr. Dennis L. Smith "Pro se"

Cc: See Attached " Certificate of Service"

**In And For
The 03rd Judicial Circuit
Of
These United States**

Mr. Dennis L. Smith Sr.

Appellant,

VS.

Ms. Patricia A. Meyers, and her son
Mr. Mack L. Davis Jr., and all of her
sibling(s),
Mr. Steven S. Krebs, and his mother
Ms. Barbara Krebs and any other
person(s) who Attempt, to **"ILLEGALLY
- "OBSTRUCT - Power of Attorney
Document Book / No. 00776 page;
041 Legal Dated 10-27-03** of the
Sussex County Delaware Office of the
{Incumbent} recorder of Deed(s) }

Appellee(s).

C.A. No. 07 - 3999

Re; Equal - Right(s);


In ref: Vindication of civil Right(s)

Here – under; 42 U.S.C.A § 1988.

This is **not** a lawsuit. The sole purpose of this is to simply constitutionally enforce 42 U.S.C.A. § 1981(b). under the Law.

AFFIDAVIT OF DENNIS L. SMITH

The, preceding - indelible truthful – statement(s) in my Motion for **Rehearing En Banc Certified -7007 0220 0001 0621 8556**, are true to the best of my knowledge and belief(s); of; Dennis L. Smith and are in full vehement compliance / Compliance(s) Here-with / Here – under; **28 U.S.C.A. § 1746**, and **18 U.S.C.A. § 1621..**


Dennis L. Smith

Date August 4, 2008

CERTIFICATE OF SERVICE

I hereby certify that the original and fifteen copies my Motion for **Rehearing En Banc Certified -7007 0220 0001 0621 8556** have been certified mailed or hand delivered on this 4 day of August 2008, to the United States Court of Appeals, Thrid Circuit and three copies to Appellee(s) at the following addresses below:

The Third Judicial – Circuit of Federal – Appeal(s)
Ms. Marcia M. Waldron
21400 United States “ Court – House”
601 Market Street
Philadelphia, PA 19106 – 1790
Certified Mail No. 7007 0220 0001 0621 8556

Mr. Peter T. Dalleo ✓
Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Deaware 19801 - 3570
Certified Mail No. 7007 0220 0001 0621 8563

~~Ms. Patricia A. Meyers, and her Son,
Mr. Mack L. Davis Jr., and
all of her sibling(s)
RR 4 Box 103A
Frankford, Delaware 19945~~

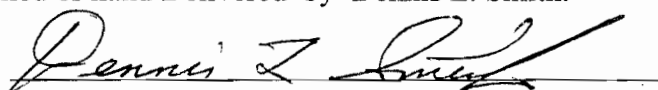
Ms. Patricia A. Meyers, and her Son,
Mr. Mack L. Davis Jr., and
all of her sibling(s)
36161 Zion Church Road
Frankford, Delaware 19945

Certified Mail No. 7007 0220 0001 0621 8570

Mr. Steven S. Krebs and
his Mother Ms. Barbara Krebs
P.O. Box 796
Selbyville, Delaware 19975
Certified Mail No. 7007 0220 0001 0621 8587

For Verification purpose(s) only,
John Brady
Recorder of Deeds
2 The Circle
P. O. Box 827
Georgetown, Delaware 19947
Certified Mail No. 7007 0220 0001 0621 8594

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.



Dennis L. Smith

*****AMENDED
BLD-112**

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-3999

DENNIS LEE SMITH,
Appellant

v.

PATRICIA A. MEYERS; MACK L. DAVIS, JR.;
STEVEN S. KREBS; BARBARA KREBS

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil No. 07-cv-00525)
District Judge: Honorable Joseph J. Farnan, Jr.

Submitted for Possible Dismissal Due to a Jurisdictional Defect or Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
January 25, 2008

Before: MCKEE, RENDELL and SMITH, Circuit Judges

(Opinion filed: July 21, 2008)

OPINION

PER CURIAM

Dennis Lee Smith appeals pro se from the memorandum order of the United States District Court for the District of Delaware denying his motion for a temporary restraining

order. Treating this as an appeal from the denial of a preliminary injunction, we will summarily affirm. See LAR 27.4; I.O.P. 10.6.

I.

Smith filed with the District Court a document partially entitled “Notice of Motion Ex Parte EMERGENCY Temporary Restraining ‘Order,’” which he allegedly served on the other parties. The motion apparently arose out of disputes regarding the alleged sale and leasing of real estate owned by Defendant Patricia A. Meyers and the attempted revocation of a power of attorney allegedly given by Meyers to Smith. Smith alleged that related litigation has occurred in such forums as the Delaware Court of Chancery, the District of Delaware, and this Court. In particular, he apparently attempted, without success, to represent Meyers based on the alleged power of attorney, even though he is not a licensed lawyer. In his motion, Smith claimed violations of the Due Process and Equal Protection Clauses, 42 U.S.C. § 1981, and 42 U.S.C. § 1985 because he is a “black male who stood up against racism while helping a white female to win a court case against white males [sic] evildoers.” (Mot. Statement of Facts at 8 (emphasis omitted).) He also alleged, among other things, slander, false arrest, and a conspiracy to cover-up any misconduct.

With respect to the relief sought, the District Court observed that Smith wished “to prevent further ‘irreparable hedonic damage(s)’ and to prevent ‘further irreparable misleading/false outburst of pernicious - false statement(s) of the very unrealistic viability

of very ignorant person(s) who know who they are.” (9/12/07 Mem. Order at 1 (quoting Mot. at 2.)) He further “seeks to preclude a number of actions including, but not limited to, the issuance of outrageous and absurd documents, the sale or lease of certain real property, an individual from speaking to him, hateful acts, conspiracy and/or frame-up by certain Defendants.” (Id.)

Applying the preliminary injunction standard, the District Court denied Smith’s motion. Smith timely appealed and subsequently filed a motion to disqualify the District Judge as well as a motion to stay the current appeal pending a criminal investigation.

II.

While an appeal may not be taken from a decision denying a temporary restraining order, see, e.g., In re Arthur Treacher’s Franchise Litig., 689 F.2d 1150, 1153 (3d Cir. 1982), we do have appellate jurisdiction over orders “granting, continuing, modifying, refusing or dissolving injunctions.” 28 U.S.C. § 1292(a)(1). Although Smith’s motion was entitled a motion for a temporary restraining order and was apparently denied as such by the District Court, the designation of an order is not controlling. See, e.g., Cohen v. Bd. of Tr. of the Univ. of Med. & Dentistry of N.J., 867 F.2d 1455, 1466 (3d Cir. 1989) (en banc). Instead, considering the purpose and effect of the memorandum order itself, see, e.g., Arthur Treacher’s, 689 F.2d at 1155 n.7, we conclude that it should be treated as a preliminary injunction ruling. In particular, the District Court expressly applied the preliminary injunction standard, Smith apparently sought relief pending the resolution of

his litigation, and he allegedly provided notice of his motion to the opposing parties. See, e.g., Fed. R. Civ. P. 65(a)(1); Cohen, 867 F.2d at 1465 n.9.

In order to obtain the “extraordinary remedy” of a preliminary injunction, Frank’s GMC Truck Center, Inc. v. Gen. Motors Corp., 847 F.2d 100, 102 (3d Cir. 1988) (citation omitted), the moving party must demonstrate: “(1) a likelihood of success on the merits; (2) that [he] will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief.” Kos Pharm., Inc. v. Andrx Corp., 369 F.3d 700, 708 (3d Cir. 2004) (citation omitted). Smith appears to challenge the District Court’s finding that he failed to establish a likelihood of success with respect to his federal racial discrimination claims, claiming that his motion and the attached documents “spoke for themselves” (11/2/07 Letter Resp. at 3.) Nevertheless, the District Court properly determined that there was no real evidence indicating “an intent to discriminate against Plaintiff on the basis of his race.” (9/12/07 Mem. Order at 6.) At best, he merely presented his own confusing and conclusory claims of racism as well as various contractual and similar documents, which were silent on their face as to the matter of race. Likewise, we reject Smith’s bald assertions of racism, despotism, and similar kinds of misconduct against the District Judge and other judicial personnel as unfounded and devoid of any real factual support.¹

¹ We further lack the power to order a criminal investigation.

In addition, the District Court properly denied Smith's motion because of his failure to establish irreparable harm. As the District Court noted, many of his allegations appeared to implicate rather ordinary state-law issues, including slander and breach of contract. It would further appear that any harm he allegedly would suffer could be remedied by an award of monetary damages. See, e.g., Frank's, 847 F.2d at 102 (“[A] purely economic injury, compensable in money, cannot satisfy the irreparable injury requirement. . . .”) We therefore cannot say that the District Court's finding as to irreparable harm was erroneous.

III.

For the foregoing reasons, Smith's appeal fails to present a substantial question on appeal, and we accordingly will summarily affirm the District Court's memorandum order. See LAR 27.4; I.O.P. 10.6. His disqualification motion and motion to stay the appeal are DENIED.

*****AMENDED
BLD-112**

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-3999

DENNIS LEE SMITH,
Appellant

v.

PATRICIA A. MEYERS; MACK L. DAVIS, JR.;
STEVEN S. KREBS; BARBARA KREBS

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil No. 07-cv-00525)
District Judge: Joseph J. Farnan, Jr.

Submitted for Possible Dismissal Due to a Jurisdictional Defect or Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
January 25, 2008

Before: MCKEE, RENDELL and SMITH, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted for possible dismissal due to a jurisdictional defect or summary action pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6 on January 25, 2008. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the order of the District Court entered September 12, 2007, be and the same is hereby affirmed. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron
Clerk

DATED: July 21, 2008

U.S. POSTAGE
PAID
SELBYVILLE, DE
AUG 19, 2008
\$7.77
00056114-02



1980:



0000

First-Class Mail



7007 0220 0001 0621 8563

Dennis Smith
P.O. Box 311
Selbyville, Del. 19975

RETURN RECEIPT
REQUESTED

Mr. Peter T. Dalleo
office of the Clerk
United State District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570

RETURN RECEIPT
REQUESTED

RETURN RECEIPT
REQUESTED

10